

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

Comparison of Key Changes Draft PBT Rule			
Feature/Element	November 10 Draft	December 8 Draft	Rationale
Introduction (100)	<ul style="list-style-type: none"> Not included in this draft 	<ul style="list-style-type: none"> Added Introduction Section to point out factors on why PBTs are different than traditional chemical pollutants Added goal statement: “manage, reduce or eliminate “ 	To provide a broader context of the PBT issue and where this rule fits in that issue. “Manage, reduce or eliminate” broadens options for reduction and adds flexibility.
Purpose (110)	<ul style="list-style-type: none"> Establish ‘P’, ‘B’ & ‘T’ criteria Establish PBT List Establish List review and update procedures Establish process to select for List to do CAP Define scope and content of CAP development process 	<ul style="list-style-type: none"> Added language regarding need for coordination with DOH and other state agencies 	Important to reference DOH involvement in CAP development, especially regarding human health exposure potential and potential exposure routes (i.e. food chain, breast milk, etc.)
Applicability (120)	<ul style="list-style-type: none"> Chapter applies to Ecology Ecology authority is not increased or decreased elsewhere No new requirements imposed on others Public involvement opportunities provided 	<ul style="list-style-type: none"> No major changes, but section modified for clarity 	Some wording was repetitive in this section

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

Chapter Summary (120)	<ul style="list-style-type: none"> Overview section of entire chapter 	<ul style="list-style-type: none"> Deleted entire section 	PBT Rule Advisory committee consensus in this issue. Can use language in a fact sheet, etc.
Exemptions (130)	Registered pesticide exemption language	Minor wording changes to improve clarity	
Administrative Principles (140)		<ul style="list-style-type: none"> Deleted reference to PBT Strategy Added clarity to “Scientific Information” section Added language to reflect the Ecology will follow Administrative Procedures Act when updating rule 	<ul style="list-style-type: none"> Difficult to reference a guidance document in rule, can confuse rule’s intent. Need to update strategy to reflect rule instead. Tie in with credible science definition Clarity on intent to follow APA, rather than repetitive reference to APA throughout rule
Definitions (200)	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Deleted definitions for “Ecology PBT Strategy” & “Minimize” Updated definitions for “Bioaccumulation”, “Carcinogen”, “CAP”, “Feasible”, & “Manage, reduce or eliminate” Added definitions for “APA”, Credible scientific information”, & Sensitive Population group” 	Definition changes made to incorporate EPA definitions, add APA definition, and reference additional key terms in rule.

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

<p>Purpose of the PBT List (300)</p>	<p>ID PBTs to</p> <ul style="list-style-type: none"> • Develop CAPs • Ambient monitoring • Public awareness • Voluntary measures 	<ul style="list-style-type: none"> • Added language under voluntary measures to broaden need for governments, businesses and individuals to implement voluntary measures for PBT reductions and phase-outs • Added language that Ecology will not use the List as a sole basis for establishing new discharge monitoring requirements. 	<p>Added clarity on what ecology will use the PBT List for, and what others can refer to the list for (voluntary measures), and what Ecology will not use the list for.</p>
<p>PBT List (310)</p>	<p>Provided “example” PBT List in Nov 10 draft</p>	<ul style="list-style-type: none"> • Identified a list of 26 chemicals or chemical groups that meet or exceed criteria in Section 320 • Updated the ranking categories to include: <ul style="list-style-type: none"> a. PBTs present in WA b. PBTS with “insufficient information” on environmental presence c. PBTs currently banned, not present in WA environment, or no feasible measures exist to reduce further (i.e. banned pesticides) 	<p>Chemicals listed on PBT List in 310 meet criteria used in 320 PBT List to be categorized to meet the 3 categories at a later date</p>

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

PBT Criteria (320)		<ul style="list-style-type: none"> • BCF of 1000, • persistence of 60 days, • Revise toxicity criteria to a narrative criteria 	Purpose of the PBT List is broader than just chemicals that should be banned, but include chemicals that need to be monitored, raise public awareness about and promote voluntary reduction measures.
Adding and removing PBTS from List (320 & 330)	•	<ul style="list-style-type: none"> • Language added to reflect that Ecology will consider both the PBT and degradation products • Added “credible scientific information” language 	Important to ensure information is credible, important to consider degradation products
Revising PBT List (340)		<ul style="list-style-type: none"> • Update every four years • Added “credible scientific information” language 	Ecology felt list should be reviewed at start of every other biennium. Important to ensure information is credible.

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

<p>What is a CAP? (400)</p>		<p>Language rewritten to point out that a CAP is:</p> <ol style="list-style-type: none">(1) a plan that identifies, characterizes and evaluates uses and releases of a specific PBT or a group of PBTs and includes recommendations on actions to protect human health or the environment(2) CAPs will include recommendations on the following types of actions:<ol style="list-style-type: none">a. Actions to reduce and phase-out uses and releases.....;b. Actions to manage the disposal of products or waste.....;c. Actions to minimize exposure.....; andd. Actions to collect additional information needed to evaluate the feasibility of potential actions; ande. Actions to measure or monitor the effectiveness of actions being implemented in WA	<p>Language rewritten to provide clarity</p>
--	--	--	--

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

<p>CAP selection factors (410)</p>		<ul style="list-style-type: none">• Language rewritten to point out that Ecology will select chemical for CAP based on the following:<ul style="list-style-type: none">a. Chemical or chemical group has a half-life in soil or sediment that is greater than or equal to 180 days; andb. Ecology determines that the chemical or chemical group has a bioconcentration factor or bioaccumulation factor in aquatic species that is greater than 2000<ul style="list-style-type: none">• Additional language added to the Selection factors regarding use of existing regulatory requirements or plans can impact CAP selection process as well.	
---	--	---	--

PBT Rule Advisory Committee Meeting # 6
December 14, 2004

<p>CAP contents (420)</p>		<ul style="list-style-type: none"> • Section rewritten to separate the description of “what” is in the CAP from “how” Ecology is going to do certain steps in the CAP process 	<p>Section rewritten to add more clarity between the “what” and “how”</p>
<p>CAP Process (430)</p>		<ul style="list-style-type: none"> • Language revised regarding public notification – Ecology will use web site, direct notice to interested parties, and notice in WA state register. • Language added to show Ecology will coordinate with DOH in information collection phase on human health related issues. • Language revised to reflect public comment periods of 60 days • Language revised to point out that an ”advisory committee” draft Cap will be developed first before public draft CAP 	<p>Language revised to ensure use of state register, specific comment periods</p>